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Wading through shoreline issues

TRACI ANDERSON , The Huron Daily Tribune

11/27/2002

BANGOR TOWNSHIP - While the winds and waves along the Saginaw Bay shoreline grow colder as each day passes, conversation about the beachfront maintenance issue continues to heat up, as about 300 people attended a public hearing Tuesday at the fire hall in this township, where property owners had the opportunity to air their concerns about the condition of beaches, beachfront grooming regulations and water pollution.

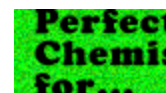
The public hearing, hosted by Lt. Col. Tom Magness, commander of the U.S. Army Corps of Engineers Detroit District, and State Rep. Joseph Rivet, D-Bay County, had been organized to bring together various perspectives in developing a comprehensive approach on Saginaw Bay issues, namely beachfront maintenance - an issue that has been brought to the forefront over the past two years by shoreline property owners, namely those in the group Save Our Shoreline, Inc. The goal of the hearing, according to Magness, was to bring proposals and initiatives to the table in an effort to find a balanced solution to shoreline issues.



audience he believes the public hearing is a better avenue for providing effective solutions.

"It's always been my desire to find a solution that's acceptable for all involved without a bitter legislative battle or court cases," he said at the beginning of the hearing. "We stand at a great opportunity (today) to come together to find an amiable solution. If we're willing to listen and move forward together, we can make great progress today."

Magness made a presentation at the beginning of the hearing to explain his perspective and the perspective of the Corps of Engineers.



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"I commit to you that I will help find a solution," he said. "I have no bias in this issue...This is my fourth trip to this region, which far outnumbers the number of times I have been to any other area in the region I cover, which goes as far as Duluth, Minn. I realize the importance of this issue for this region ... To move forward, we need to maintain balance between the economy, private property rights, human activity and tourism, and the environment."

In his presentation, he shared some information about items he thought may be unclear to property owners.

"The Army Corps of Engineers is not in the ownership business," he said. "We, however, do have jurisdiction over shoreline that's lakeward of the ordinary high water mark. The land is held in the public trust."

He told audience members that certain activities, such as mowing and removing debris, are allowed by the Corps without a permit. He added that a permit for a private citizen costs \$10.

Magness said he's asked his staff several times about how well the Corps has accommodated the needs of public beaches.

"From what my staff tells me, every public beach that has asked for something, we've granted what they requested," he said. "If anyone knows otherwise, please let me know."

He then reviewed what was talked about during a private meeting that took place before the public hearing. Representatives from legislative, educational, regulatory, environmental and property owner groups and agencies discussed possible initiatives and solutions for shoreline maintenance at the private meeting, according to Magness.

"We have proposed a Saginaw Bay Task Force," he said. "We're not sure if that will be the name of the group, but it would include representatives from the DEQ, Corps, SOS, non-SOS property owners, environmentalists and other representatives with different viewpoints. The goal would be to have the representatives discuss the various issues and work to come up with balanced solutions."

He said the group would meet bimonthly and a web page would be constructed so the public could see what was going on within the task force. Additional public hearings would be organized to further conversation on the various concerns and to help the task force decide which direction to move in.

Rivet and Magness were joined at the head table by DEQ Deputy Director Arthur Nash, Terry Miller of the Lone Tree Council, and a handful of SOS representatives, including Caseville resident and senior SOS board member Joe McBride.

After Magness's presentation, the hearing moderator, Bay County Michigan State University Extension Director Howard Wetters, turned the hearing over to audience members who had presentations and questions.

Comments from audience members varied from wetland inquiries to permit questions to state and federal jurisdiction. On a few occasions, audience members felt Wetters or someone at the head table was not allowing another audience member to speak freely, and they voiced their disapproval. At one point, audience members told Wetters to be quiet and to let more audience members speak their minds.

A number of Caseville representatives spoke at the hearing, including Herb Kincaid. He and his wife, Marion, are currently involved in a lawsuit with the Corps concerning beach grooming activities. They are being represented by SOS Vice President and attorney David Powers.

"The government is trying to create wetlands where there were never wetlands at the property owners' expense," he said. "It's just not right."

"Where is the DEQ (when it comes to the water problems?)," asked Caseville resident Guy Pittman. "When it comes to sewage being dumped in our lake, they don't do anything. They say they'll look into it and nothing ever comes of it. But when it comes to citing people for grooming their beaches, they're out there right away ... I think Magness should get rid of the DEQ."

Marion Kincaid asked why no education on DEQ and Corps beach grooming regulations was offered to the public before the citations and litigations started. Two beachfront property owners from Bay City also had been sued by the Corps. In both cases, the property owners settled.

"We need to do a better job with communication and education," Magness said. "There's definitely room for improvement."

Caseville resident Bob Adams and Caseville seasonal resident Jacqueline Freiburger, who has a summer home in Caseville and lives in Cass City the rest of the year, also spoke during the hearing.

While many Bay City area residents spoke, people from as far away as Traverse City also addressed the government representatives.

"Having a weedy beach is more important than people's jobs for the government," a Traverse City resident said. "Tourists don't like these weedy beaches, and when tourism decreases, people lose their jobs. You're looking to turn Traverse City and northern Michigan into a ghost town."

He added that he didn't think the task force should just focus on Saginaw Bay.

"Look at the whole state (because) tourism is a leading industry for the whole state," he said.

A speaker from Gladwin talked about wetlands.

"Cattails do not grow in sand unless nutrients are added," said Steven Freund, a Gladwin builder. "Sewage being dumped into the bay is adding nutrients and causing the vegetation to grow on the beaches. It's up to the (Environmental Protection Agency), DEQ and the Corps to eliminate the source of pollution and clean up the environmental disaster along the shoreline."

Magness said some of the issues brought up during the hearing were beyond the capability of the people on the panel and would need to be addressed at the federal level.

Other speakers touched on a variety of subjects and opinions, including a resident suggesting that Magness replace his Army uniform with "swim trunks and walk along the Bay City State Park. Words can't describe what it's like. You have to see it for yourself."

While several people who spoke lived on or near the shoreline, some said

they did not, but indicated they still feel strongly about keeping the beaches vegetation free and free of stagnant water and sludge.

Barb Stachowski, who is from Aplin Beach in Bay City, voiced multiple concerns, including why the DEQ would permit some activities that destroy wetlands.

"Why is the DEQ permitting people to build hotels and other big projects on wetlands if (wetlands) are so beneficial?" she asked.

"If someone constructs a building or buildings and wetlands are destroyed in the process, the person has to get a permit and as part of the agreement (with the DEQ), the person must construct wetlands elsewhere to replace the wetlands lost," Nash explained. Several audience members scowled at the response.

Stachowski asked Nash about the state's jurisdiction.

"If you have jurisdiction over my beach, then give me back my property taxes that I pay extra for," she said. "If there's an accident on my beach and someone gets hurt, who's liable? Me, because I own the property. I own to the water's edge."

Nash emphasized that the DEQ does not own the beach between the ordinary high water mark and the water's edge, but it does have jurisdiction to regulate activities performed on that area of the beach.

"We regulate activities on private land constantly," he said. "We have regulatory responsibility, and our job is to carry out those regulations."

One audience member asked how he could find out where the ordinary high water mark is. The DEQ and Corps ordinary high water marks differ slightly. Magness suggested that he call the Corps for help, but SOS President Ernie Krygier said he didn't think that would be wise, suggesting that a government representative may be biased in determining the location of the high water mark.


Many audience members wanted to know why Krygier hadn't been invited to the private meeting before the public hearing. Rivet said he took full responsibility for it and said there had been some misunderstandings between him and Powers about who would be invited to the meeting. Powers said Rivet had lied to him and he walked out of the hearing.

During the hearing wrap-up, Magness and Rivet said they were pleased with the hearing and were hopeful that the task force could go a long way in resolving issues.

Magness and Nash told the audience that the Corps and DEQ both could improve on educating and communicating with the public on shoreline maintenance issues and said the problem will be worked on. Magness said the permitting process will also need to be simplified.

After the hearing, Magness noted he felt the public hearing exemplified how a government should work.

"People were provided with the opportunity to speak about their concerns and the government's job was to listen, which we did," he said. "We demonstrated good government here today."

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